

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Apple Computer, Inc.
10475 Bandley Drive
Cupertino, California 95014
ID No. CAD 981 386 600

Respondent.

Docket HWCA 20050917

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Apple Computer, Inc. (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates hazardous waste at 10475 Bandley Drive, Cupertino, California 95014 (Site).
2. The Department investigated a voluntary disclosure submitted by Respondent on February 14, 2005.
3. The Department alleges the following violations:
 - 3.1.1. The Respondent violated Health and Safety Code, section 25189.5(c) in that on or about January 11, 2005 hazardous waste resin containing antimony was offered for transport to a facility that was not authorized to receive said waste.
 - 3.1.2. The Respondent violated California Code of Regulations, title 22, section 66262.20 in that on or about January 11, 2005, hazardous waste resins containing antimony were transported without the use of a hazardous waste manifest.
4. A dispute exists regarding, the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.
6. Jurisdiction exists pursuant to Health and Safety Code section 251 87.
7. Respondent waives any right to a hearing in this matter.
8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.
9. Respondent admits the violations described above.

SCHEDULE FOR COMPLIANCE

10. The violations have been corrected.

PAYMENTS

11. Within 30 days of the effective date of this Consent Order Respondent shall pay the Department a total of \$500, of which \$500 is a penalty. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 1 Street, 21st, floor
P. O. Box 806
Sacramento, California 9581 2-0806

A photocopy of the check shall be sent:

To: Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

To: Ms. Mary Anne Baker
Santa Clara County Dept. of Environmental Health
1555 Berger Drive, Suite 300
San Jose, California 951112-2716

To: Ms. Vivian Murai
Office of Legal Counsel
Department of Toxic Substances Control
1001 1 Street, 23rd floor
P. O. Box 806
Sacramento, California 9581 2-0806

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon

the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

12.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: August 11, 2005

Original signed by Donald Meister
Signature of Respondent

Original by Donald Meister, Senior Director
Typed or printed name, title of Respondent
Apple Computer, Inc.

Dated: August 16, 2005

Original signed by Mickey Pierce
Mickey J. Pierce
Senior Hazardous Substance Scientist
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control